

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JERAMEY R. BROWN,

Plaintiff,

vs.

Case No.: 3:07-cv-00117-PMF

**ROBERT HERTZ, JOHN LAKIN,
BRAD WELLS, DENNIS FISCHER,
JOHN GILBERT, JOHN MCGUIRE,
JOE GULASH, BOB HOLLENBECK,
JODY COLLMAN, STEVE HUCH, BOB
RICHERT, JEFF HARTSOE, MATT
WERNER, MAYNARD HILL,
TRAVIS, DON MCNAUGHTON, BRAD
BESSON, DIANE FRITSCHLE AND
COUNTY OF MADISON, ILLINOIS,**

Defendants.

MEMORANDUM AND OPINION

Before the Court is Defendants Robert Hertz, John Lakin, Brad Wells, Dennis Fischer, John Gilbert, John McGuire, Joe Gulash, Bob Hollenbeck, Jody Collman, Steve Huch, Bob Richert, Jeff Hartsoe, Matt Werner, Maynard Hill, Travis Bosich, Don McNaughton, and the County of Madison, Illinois' Motion for Summary Judgment (Doc. 69).

The procedural dates relevant to this Motion are as follows. On December 16, 2009, the Court entered an Order providing that all discovery was to be completed by January 15, 2010 (Doc. 67). On December 30, 2009, the Court granted Defendants' Motion for Leave to File Excess Pages and Defendants' Motion for Extension of Time in Which to File a Dispositive Motion. This Order provided that the deadline for filing summary judgment motions was January 4, 2010 (Doc. 68). On December 30, 2009, Defendants filed their Motion for Summary Judgment (Doc. 69). On January 7, 2010, Plaintiff filed a Motion for Enlargement of Time

requesting that the Court grant him an enlargement of time in which to file his response to Defendants' Motion for Summary Judgment (Doc. 72). On January 12, 2010, the Court granted Plaintiff's Motion for Enlargement of Time and ordered Plaintiff to respond to Defendants' Motion for Summary Judgment by February 8, 2010 (Doc. 74). On February 5, 2010, Plaintiff filed a Declaration of Larry Greer and Declaration of Matthew Davis (Doc. 84). On February 17, 2010, the Court Ordered that the Declarations of Larry Greer and Matthew Davis were to be construed as a Response to Defendants' Motion for Summary Judgment (Doc. 86).

Plaintiff is fully aware of his obligation to file a response to a Motion for Summary Judgment, as well as the consequences of failing to do so. On January 29, 2010, Defendants Brad Besson and Diane Fritschle provided Plaintiff with such notice. Further, in another action before this Court (*Brown v. Gulash, et al*, 3:07-cv-00370-JPG-PMF), Plaintiff satisfied his requirement to respond to Defendants' Motion for Summary Judgment (Doc. 101 in 3:07-cv-00370-JPG-PMF). Nonetheless, all Plaintiff has provided in response to Defendants' Motion for Summary Judgment are the Declarations of Larry Greer and Matthew Davis.

It is not the Court's function to "scour the record in search of evidence to defeat a motion for summary judgment." *Bombard v. Fort Wayne Newspapers, Inc.*, 92 F.3d 560, 562 (7th Cir. 1996). Courts are not to do counsel's work of organizing arguments; nor are they "in the business of formulating arguments for the parties." *U.S. v. McClellan*, 165 F.3d 535, 550 (7th Cir. 1999). In this case, Plaintiff has merely provided the Court with the Declarations of Larry Greer and Matthew Davis, and wholly failed to set forth any argument in Response to Defendants' Motion for Summary Judgment.

For the reasons set forth above, the Court hereby GRANTS Defendant's Motion for Summary Judgment (Doc. 69).

Judgment shall enter in favor of Defendants Robert Hertz, John Lakin, Brad Wells, Dennis Fischer, John Gilbert, John McGuire, Joe Gulash, Bob Hollenbeck, Jody Collman, Steve Huch, Bob Richert, Jeff Hartsoe, Matt Werner, Maynard Hill, Travis Bosich, Don McNaughton, and the County of Madison, Illinois, and the Clerk shall terminate these Defendants from this action. Clerk of Court to enter judgment accordingly at close of case.

Having terminated the foregoing Defendants, the Court finds as MOOT Plaintiff's Motion to Compel Disclosure (Doc. 82), Defendants' Motion to Bar (Doc. 85), Plaintiff's Motion for Leave to Supplement (Doc. 87), and Defendants' Motion for Leave to File (Doc. 92). Motion for The only remaining Defendants in this case are Defendants Brad Besson and Diane Fritschle.

SO ORDERED.

DATED: February 24, 2010.

s/ Philip M. Frazier
PHILIP M. FRAZIER
UNITED STATES MAGISTRATE JUDGE